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Docket No. 49632 (71699)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#13

APPLICANT: P. Zeitlin et al.

SERIAL NO.: 09/523,776

GROUP: 1617

FILED: March 11, 2000

EXAMINER: S. Wang

FOR: MODULATION OF PROTEIN EXPRESSION USING CARBOCYCLIC  
ARYL ALKENOIC ACID DERIVATIVES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on this date August 27, 2003 in an envelope as "Express Mail Post Office to Addressee," mailing Label Number EV343734599US addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Michelle P. Chicos  
Michelle P. Chicos

Sir:

**PETITION TO WITHDRAW A HOLDING OF ABANDONMENT  
BASED ON FAILURE TO RECEIVE OFFICE ACTION (MPEP 711.03(c) II)**

Pursuant to 37 C.F.R. §1.181 and MPEP 711.03(c) II, Applicants respectfully petition for withdrawal of the holding of abandonment, which, as indicated in a telephone conversation with Examiner Wang on August 22, 2003, was deemed to be abandoned for Applicants' alleged failure to timely file a response to a Final Office Action mailed on December 31, 2002.

On December 5, 2002, the Attorneys of Record filed with the Electronic Business Center of the U.S. Patent & Trademark Office printed and computer disc listings of all pending and issued cases appearing on our docket in the U.S. Patent & Trademark Office, to be associated with our Customer Number **21874**. Attached please find the letter and complete printout, which includes an entry for U.S. Serial No. 09/523,776 and filing date 03/11/00. Customer number **21874** was and is presently associated with the following address:

EDWARDS & ANGELL, LLP  
P.O. Box 9169  
Boston, MA 02209

The Attorneys of Record for the subject application received a telephone call from Examiner Wang on August 22, 2003 and were informed that a Final Office Action was mailed by the U.S. Patent & Trademark Office on December 31, 2002. The Examiner then faxed a copy of this Final Office Action to the Attorneys of Record; the Final Office Action contains the old firm name and old address for Attorneys of Record:

Dike Bronstein Roberts & Cushman LLP  
130 Water Street  
Boston, MA 02109-4280

The Attorneys of Record have never received a Final Office Action for the subject application. A search of the file wrapper and docket records of the subject application confirms that **no** Final Office Action was received.

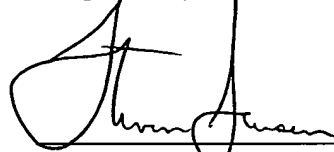
Attached is the docket record as maintained by the Attorneys of Record for this case. There is no indication that a Final Office Action dated December 31, 2002 was received from the U.S. Patent and Trademark Office. In fact, as shown on Page 2, the last completed entry on the docket is the 6-month response date for the first Office Action, which has an "action taken" date of 02-Oct-2002, corresponding to the amendment filed on 10/2/02. As shown in the final entry, no communication was received from the U.S. Patent & Trademark Office in response to the amendment filed on 10/2/02.

Applicants respectfully request that the Commissioner, based on the foregoing statement of facts, withdraw the erroneous holding of abandonment and resend the Final Office Action.

The within petition and the related enclosures are being filed immediately upon notification of the abandonment, and clearly within two (2) months of the date of any Notice of Abandonment, and thus is believed to be timely filed (see 37 CFR 1.181(f)).

No fee is believed to be due in connection with the filing or consideration of this petition. In the event any fee is due, however, please charge such fee to Deposit Account No. **04-1105**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Peter F. Corless', is written over a horizontal line.

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Date: August 27, 2003

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